

**TOWN COUNCIL
REGULAR MEETING
MARCH 16, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. SELECTION OF VICE-MAYOR

Vice-Mayor Cox nominated Vice-Mayor Bush for Vice-Mayor with Mayor Venis seconding the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis recessed the meeting at 7:01 p.m. and reconvened at 7:04 p.m.

4. PRESENTATIONS

4.1 Elena Blackiston, Clerk Typist I - Five Years

Mayor Venis presented Ms. Blackiston with a service award.

4.2 Charles Holding, Police Officer - Ten Years

Mayor Venis presented Officer Holding with a service award.

4.3 Maria Grace Anderson-Hall, Assistant to the Development Services Director - Twenty Years

Mayor Venis presented Ms. Anderson-Hall with a service award.

4.4 Robert McDaniel, Interim Chief of Police - Twenty Years

Mayor Venis presented Chief McDaniel with a service award.

4.5 Introduction of New Firefighters

Fire Chief Michael Donati introduced: Timothy Alpfel, Rene Curbelo, Todd Halfacre, Jeff Junker, James Ketchum, Adam Konick, Robert Lauderdale, Catherine McKearney, Jay Wolff, and Richard Hopwood. Unable to attend were: Penny Suzuki, Cynthia Beyer, William LeCount, Roberta Quinones, and Gary Windsor. Chief Donati indicated that special recognition needed to given to the Administrative Services Department, the Personnel Division, and the Police and Fire Departments on their help in the hiring process.

4.6 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: Cats Do It, Dogs Do It, and You Should Do It Also (Wednesdays); water aerobics (Mondays and Wednesdays); adult and senior fitness classes; Singles Night (March 27th); Couples Night (April 16th); and Youth Parents' Sports Meeting (March 18th).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: 22nd Annual Waterway Cleanup (March 20th); Annual Fort Lauderdale AKC Show Finals (March 20th - 21st); Concert in the Park (March 21st); Bullriding (March 27th); Annual Ride-A-Thon (March 27th - 28th); and Annual Egg Hunt (April 3rd).

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4.7 Reese Road Update

Mr. Rawls reported that the State legal counsel had been working with the Town's legal counsel in order to establish a clear title for the property but that it had not been resolved yet. Mayor Venis suggested that another meeting be scheduled with the residents to discuss the progress.

4.8 Quarterly Budget Report

Christopher Wallace, Director of Budget and Finance, advised that a copy of the report was in each Councilmember's packet. Mayor Venis stated that he did not have it in his packet and suggested that this item be deferred until the next meeting.

Mr. Wallace stated that the budget was on track but that there were some significant concerns down the road. He indicated that there were some police and fire pension costs that could swell, among other additional monies that may be required of the Town. Mr. Wallace added that the cumulative effect of it all would not be very good.

5. MAYOR/COUNCILMEMBER COMMENTS

VICE-MAYOR BUSH

8TH ANNUAL FASHION SHOW. Vice-Mayor Bush stated that he and Councilmember Cox had had the pleasure of representing the Town of Davie at the fashion show at the Jewish Community Center.

COUNCILMEMBER COX

COUNCILMEMBER COX

8TH ANNUAL FASHION SHOW. Councilmember Cox echoed Vice-Mayor Bush's comments regarding the fashion show.

RIDE-A-THON. Councilmember Cox advised that the Ride-A-Thon was a fund raiser for the Boys and Girls Club, and indicated that there would be raffle prizes.

BIKE PATH RIDGE TRAIL. Councilmember Cox stated that the bike path was finally completed between Tree Tops Park and Shenandoah. She said that there would be a bike rally on May 8th with a number of activities for children.

COUNCILMEMBER WEINER

CONDOLENCES. Councilmember Weiner offered condolences to the Forman family on the passing of Delores Forman.

FIRE DEPARTMENT. Councilmember Weiner commended the Fire Department in getting the employees hired and trained.

ADMINISTRATOR'S SEARCH. Councilmember Weiner stated that there had been a meeting on the search for Town Administrator and indicated that another meeting would be held on March 24th at which time the Council hoped to narrow the field.

VILLAGE OF LAKE PINES PHASE II. Councilmember Weiner reported that he had attended the homeowners meeting and they had a very heated and lively discussion. He said he appreciated it and hoped the residents would get back with him on a study they were doing on a safety issue that they had a concern on.

POLICE DEPARTMENT/FIRE DEPARTMENT. Councilmember Weiner thanked the Fire and Police Departments for their participation in the Health and Safety Fair at Parks Trail Elementary School.

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JOINT ECONOMIC DEVELOPMENT COUNCIL. Councilmember Weiner mentioned that he had met with the Joint Economic Development Council who would be coming in the near future to Council with a number of items. He stated that he appreciated their hospitality.

APPRECIATION TO RESIDENTS OF DAVIE. Councilmember Weiner extended his appreciation to the residents of the Town for affording him the opportunity to serve them. He said he was looking forward to the coming year and encouraged the residents to attend Council meetings and voice their opinions.

COUNCILMEMBER PAUL

WORKSHOP ON BRIDGE BETWEEN ORANGE DRIVE AND GRIFFIN ROAD.

Councilmember Paul stated that she agreed with the concept of a bridge between Orange Drive and Griffin Road in the area of Cooper City and Davie. She added that having a workshop with the Department of Transportation would be a wise idea and it would allow the residents to get an idea of what the plans were and what the future of this corridor would be.

OAK HILL MEMBERS. Councilmember Paul encouraged the Oak Hill residents to complete the survey on recreational and equestrian trails. She mentioned that there was room on the survey for other comments that they might have.

POLICE DEPARTMENT. Councilmember Paul again thanked the Police Department for their continued special enforcement in the west with regard to traffic control. She added that the issue of speed humps in those areas was put on hold because of pending litigation.

MASTER PLAN FOR DRAINAGE IMPROVEMENTS. Councilmember Paul stated that she had been reviewing the master plan for drainage improvements in the Oak Hill area and she hoped that this would be included in the next capital improvement update.

DETAILED ANALYSIS. Councilmember Paul asked for a detailed analysis on the impact of the police and fire pension bill that the Governor signed.

WOMEN'S HISTORY MONTH. Councilmember Paul mentioned that March was Women's History Month and stated that it was important to keep in mind the important things that women do in the community.

DISTRICT MEETING. Councilmember Paul stated that she was holding a District 4 meeting on March 23rd at 7:30 p.m. in the Ivanhoe Community Room.

WESTFAIR. Councilmember Paul mentioned that Westfair was a lot of fun and thanked the Town's staff who worked on making this a successful event.

MAYOR VENIS

CONDOLENCES. Mayor Venis offered his condolences to the Forman family.

ELECTION NIGHT. Mayor Venis mentioned that the library bond issue had passed by a very wide margin. He stated that on behalf of the Broward County Library Advisory Committee, he wanted to thank the Town for sponsoring a resolution supporting the bond.

WATER PETITIONS. Mayor Venis stated that the Town was still receiving input on the water issue and added that he would be traveling to Tallahassee to discuss this matter. He advised that Senator Forman was sponsoring a study to be conducted by the Public Service Commission. Mayor Venis stated he thought a similar bill would be entered and proposed on the State Legislative Floor.

LARGE JOINT AGENCY MEETING. Mayor Venis stated that the Joint Economic Development Study Committee had scheduled the large joint agency meeting for April 13th and asked that this meeting be rescheduled as he would be unable to attend.

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WALGREEN'S SITE PLAN. Mayor Venis stated that he had heard that the Walgreens in the Shenandoah would not be built as anticipated. He said that another company would be building and he wanted to make sure that the project did not have a "right out" on to Shenandoah Parkway before the site plan was heard by the Site Plan Committee.

BROWARD BEAUTIFUL. Mayor Venis stated that more grant monies could be applied from Broward Beautiful and asked Mr. Rawls to follow up.

6. TOWN ADMINISTRATOR'S COMMENTS

FIRE/RESCUE SERVICES. Mr. Rawls congratulated the Fire Department in its efforts to establish a fully operational fire and emergency medical response service. He announced that the the Town would be assuming the fire rescue responsibilities on April 11th.

Councilmember Cox asked if that included the Flamingo Road site. Mr. Rawls responded that Broward County would operate the Flamingo Road site under the agreement but Broward County Traffic Division would not have the signal in place at the Nob Hill facility on April 11th. He indicated that the County had agreed to staff the Rexmere facility with a medical unit during that time frame so that the Town could be fully operational April 11th. Mr. Rawls added that the Town would not occupy the Nob Hill site until the signal was operational.

Councilmember Weiner asked if the Town needed to provide notice to AMR and questioned the deadline for providing AMR with that date. Mr. Rawls indicated that AMR had been notified and the date had been agreed upon. Councilmember Weiner stated that the opening up of the Nob Hill facility was a welcome site to the Pine Island Ridge area.

7. TOWN ATTORNEY'S COMMENTS

LITIGATION: Mr. Webber provided an update on litigation in which the Town was involved: Teen Challenge; Bar B Ranch; Orendello; 142nd Avenue; City of Sunrise; Mr. MacDaniel; and the Chapter 175/185 monies.

8. CONSENT AGENDA

Minutes

8.1 February 17, 1999 - Regular Meeting

Proclamation

8.2 National Community Development Week (March 29 - April 4, 1999)

Resolutions

8.3 **DENYING WAIVER OF INTEREST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DENYING WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 3; AND PROVIDING AN EFFECTIVE DATE.** (Charles Lee Manchac) (tabled from February 17, 1999)

8.4 **FLORIDA'S PRESERVATION 2000 PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING A MAJOR URBAN INITIATIVE AS PART OF A SUCCESSOR PROGRAM TO FLORIDA'S PRESERVATION 2000 PROGRAM WHICH WOULD ASSIST COMMUNITIES IN PROVIDING OUTSTANDING PARK, RECREATION AND CONSERVATION AREAS.**

R-99-87

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- 8.5
R-99-88 **SECOND AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 1996-1998, UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM, AS PREPARED BY THE BROWARD COUNTY OFFICE OF HOUSING FINANCE (OHF).**
- 8.6
R-99-89 **EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING A WATER AND SEWER UTILITY EASEMENT AND CONVEYING WATER AND SEWER FACILITIES TO THE CITY OF SUNRISE TO SERVICE THE PUBLIC SAFETY COMPLEX AT NOB HILL ROAD.**
- 8.7
R-99-90 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR SCHOOL CROSSING GUARDS. (Kemp Services, Inc. - unit price of \$9.90/hour (totaling approximately \$180,000/year)**
- 8.8
R-99-91 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE WOLF FAMILY PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-1-98, Wolf Family Plat, northeast corner of University Drive and Stirling Road) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report***
- 8.9
R-99-92 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE MARGOLIS PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 1-6-99, Margolis Plat, northwest corner of University Drive and Orange Drive)**
- 8.10
R-99-93 **INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY TO PROVIDE FOR SUPPLEMENTAL BUILDING PERMIT PLAN REVIEW AND INSPECTION SERVICES, AND PROVIDING AN EFFECTIVE DATE.**
- 8.11
R-99-94 **INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A CERTAIN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY AND THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, WHICH AGREEMENT SETS FORTH THE PROCEDURES TO BE USED FOR COORDINATING THE PREPARATION AND ADOPTION OF COMPREHENSIVE PLAN TRANSPORTATION ELEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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- 8.12
R-99-95 **LIEN SUBORDINATION** -A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE. (Amaral, Abril, and Nicholson)
- 8.13
R-99-96 **LIEN SUBORDINATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE. (Douse)
- 8.14
R-99-97 **MUNICIPAL ELECTIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE STATE OF FLORIDA TO AMEND CHAPTER 75-350, AS AMENDED, AND URGING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA TO AMEND SECTIONS 11-21, 11-22, 11-23 AND 11-26 OF THE CODE OF ORDINANCES OF BROWARD COUNTY, FLORIDA, IN SUCH MANNER AS WOULD AFFORD MUNICIPALITIES WITHIN BROWARD COUNTY, FLORIDA THE OPTION OF SCHEDULING AND CONDUCTING THEIR GENERAL ELECTIONS ON DATES CONTEMPORANEOUS WITH COUNTY, STATE AND FEDERAL ELECTIONS, AND URGING SUPPORT AND ASSISTANCE FROM OTHER MUNICIPALITIES WITHIN BROWARD COUNTY.
- 8.15
R-99-98 **OPPOSING RECOMMENDATIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING ANY BROWARD COUNTY RECOMMENDATIONS WHICH WILL NEGATIVELY IMPACT THE EFFECTIVENESS OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY.
- 8.16
R-99-99 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN EASEMENT FROM THE DAVIE/COOPER CITY CHAMBER OF COMMERCE FOR USE AS A SIDEWALK EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 8.17
R-99-100 **UTILITY SURCHARGES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THE FLORIDA LEAGUE OF CITIES TO REEVALUATE THEIR POLICY STATEMENT OF THE UTILITY AND TELECOMMUNICATIONS LEGISLATIVE POLICY COMMITTEE REGARDING CONTINUING MUNICIPAL AUTHORITY TO ASSESS SURCHARGES FOR UTILITY SERVICES TO ADJACENT RESIDENTIAL AND BUSINESS PROPERTIES AS PRESENTED DURING THE 1999 LEGISLATIVE SESSION.

Councilmember Weiner asked that items 8.10, 8.14 and 8.15 be removed from the Consent Agenda. Councilmember Paul asked that items 8.2, 8.6, and 8.17 be removed. Gayle Easterling, Planning and Zoning Manager, asked that item 8.9 be removed. Mr. Webber asked that item 8.3 be tabled to April 21, 1999.

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Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without items 8.2, 8.6, 8.9, 8.10, 8.14, 8.15, and 8.17. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.6 needed to be tabled to May 5, 1999.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 8.3 and 10.7 needed to be tabled to April 21, 1999.

Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 10.1 and 11.1 needed to be tabled to April 7, 1999.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.8 had been withdrawn.

8.2 Town Clerk Reinfeld read the proclamation. Mayor Venis presented the proclamation to Elbert Waters, representing the US Department of Housing and Urban Development. Mr. Waters expressed his appreciation of the proclamation stating that they were planning to work with the Town's administration on urban development.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.6 Mr. Rawls explained that the facility was within the City of Sunrise franchise service area and there would be water and sewer lines that had been constructed on site and it was a requirement that the Town grant an easement to provide them access to those lines.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.9 Ms. Easterling advised that this resolution was a delegation request for a temporary access on the Margolis Plat. She stated that the revision was very specific that the office use was to be limited to the existing building on the site.

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Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve with the amendments. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.10 Councilmember Weiner asked what the difficulties were in locating enough inspectors to provide the inspection services. Mark Kutney, Development Services Director, explained that the requirement was that inspectors had to have South Florida experience either in Broward or Dade which limited the field of candidates. Councilmember Weiner mentioned that the back-up material indicated that the cost would not to exceed \$20,000 which amounted to 500 hours. He asked whether with the resignation of the chief inspector would increase this amount. Mr. Kutney explained that it could but that staff was making every effort to fill those positions.

Councilmember Weiner requested that the blank lines be completed prior to signing the agreement.

Mayor Venis asked how many individuals would be hired. Mr. Kutney responded that they would attempt to fill the two vacant positions and then the chief inspector position.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.14 Councilmember Weiner explained that he had been trying to determine if the Town could have its election date changed to a day when there was a greater turn-out. He stated that there was an approximately 40% difference in the turn-out in March for municipal elections as opposed to the turn-out in the November elections for city, state, and federal elections. Councilmember Weiner urged the Council to adopt this resolution which would request the State and the County amend their respective legislations so that municipalities could make decisions as to whether they wanted to change their election dates or not.

Councilmember Cox asked Councilmember Paul if she had done some research on fall-out. Councilmember Paul stated that she had and explained some figures that were researched.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve Item 8.14. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.15 Councilmember Weiner advised that Irv Rosenbaum had made a suggestion that if Council approved this item, perhaps along with sending a letter, Councilmembers could attend the County Commission meeting to tell them that the Town strongly supported the CRA on this issue.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve Item 8.15. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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8.17 Mr. Rawls explained that the League of Cities had made a policy statement with regard to surcharges on utility services and this resolution was to get the League to reconsider their position.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve Item 8.17. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held April 7, 1999)

9.1 **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 97-66 WHICH WAS AN ORDINANCE CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF, BY CORRECTING THE LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (2550 Flamingo Road)**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 9.1 would be held on April 7, 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING SECTION 12-374 ENTITLED "MODIFICATION OF SITE PLAN"; PROVIDING FOR CRITERIA FOR NON-MATERIAL MODIFICATIONS TO SITE PLANS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox questioned what an "accessory structure" might entail. Ms. Easterling stated that the structure would be limited 200 square feet. Councilmember Weiner requested that language be added to Number 8 to make that distinction clear. There was some discussion as to what kind of accessory structure might be added. Councilmember Weiner suggested that approving an additional structure without deferring to the Site Plan Committee was not something he was comfortable with. Ms. Easterling stated that they could delete Number 8 from the amendment.

Councilmember Cox made a motion, seconded by Councilmember Weiner to approve Item 9.2 with Number 8 being deleted. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

- 10.1 ROAD TRANSFER AGREEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF A ROAD TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE CONCERNING REESE ROAD; PROVIDING FOR CONVEYANCE BY THE DEPARTMENT OF TRANSPORTATION AND ACCEPTANCE BY THE TOWN OF DAVIE OF CERTAIN LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from March 3, 1999)

This item was tabled earlier in the meeting.

Resolutions

- 10.2 CABLE FRANCHISE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, A FRANCHISE AGREEMENT TO PROVIDE CABLE SERVICES BETWEEN THE TOWN OF DAVIE, FLORIDA AND COMCAST CABLEVISION OF BROWARD COUNTY, INC.; AND PROVIDING AN EFFECTIVE DATE. (tabled from March 3, 1999)

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution.

Will Allen, Programs Administrator, summarized the history of cable agreements in the Town over the past several years. He stated that this agreement was not identical to the BellSouth agreement but that it was very close. He highlighted the Comcast agreement by mentioning that Comcast would be required to upgrade their current cable TV system and the franchise was for a ten-year period with an automatic five-year renewal. Mr. Allen explained some of the various things addressed in the agreement.

Cindy Stoddard, representing Comcast, introduced Mary Colletti, the general manager for the system; Rich Freedman, local customer service supervisor; Bob Bowers, local operations manager; and Carlton Baxter. She explained that Mr. Baxter had recently been appointed as the project director of the rebuild in Davie.

Councilmember Weiner questioned the rewrite of the agreement which concerned discrimination. Ms. Stoddard explained that the no discrimination was struck because the franchise agreement did not require a build-out of the system which would allow the operators to select which areas they would like to service. Town Attorney Webber confirmed this. Councilmember Weiner expressed his concern that the discrimination might be for other reasons other than income. Town Attorney Webber explained that the Town had adequate protection, stating that Comcast did not have the contractual right to violate any discrimination laws. Councilmember Weiner asked why the agreement with regard to emergency services was removing the approval authority in Section 3.71. Ms. Stoddard responded that the language that was eliminated was the determination of the town as to where those facilities should be located and how they should be constructed. She added that

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Comcast had agreed to provide the services, stating that they wanted to have the ability to make those decisions because they were the experts in that area. Mr. Rawls agreed that this basically related to technical services rather than just providing the service.

Councilmember Weiner mentioned number 7.33, which dealt with performance evaluation. He stated that the agreement with BellSouth gave the Town, as a franchising authority, the ability to review sufficient quality and quantity. He questioned why "quantity" was being struck from the agreement. Ms. Stoddard responded that Comcast believed that that was something that the marketplace should dictate.

Councilmember Weiner remarked a major concern to him was that for some reason Comcast seemed insistent upon removing authority from the franchising authority which was Council. He expressed concern that questions would have to wait until Council meetings to be dealt with under that system. Ms. Stoddard stated that it really only had to do with the breach of contract and that Comcast believed that it should be a determination by Council rather than one person designated by Council. Councilmember Weiner stated that he wanted Council to have the ability to appoint a person or committee to handle breach of contract without having to call an emergency Council meeting. Ms. Stoddard asked Mr. Webber to explain further to Councilmember Weiner about the written notification. Mr. Webber stated that this was limited to events of default and added that Comcast wanted to make sure that it was Council which would make a determination that there had been a breach or default in the agreement.

Councilmember Weiner stated that he had one other concern, 7.3, which dealt with loss of picture or sound on one or more cable channels. He wanted a more definitive description of what loss of sound or picture was. Ms. Stoddard said that these instances would be dealt with on an individual basis.

Mayor Venis questioned an item in the agreement that dealt with opening books and records, stating that routinely the Town had outside auditors prepare compliance audits. He asked when was the last time an audit had been done on the cable franchise. Mr. Wallace stated that he did not have an exact date, but that it had probably been four or five years ago. Mayor Venis suggested that it was time to conduct another audit; however, he questioned whether the monies received outweighed the costs of the audit. Mr. Wallace stated that in the case of Jones InterCable, the Town received a reasonable amount of money as in the case of BellSouth. Mayor Venis commented that perhaps the idea of an audit could be brought up at the next Town Council meeting under "New Business."

Councilmember Weiner questioned whether there was anything in the agreement that would restrict the Town's ability to conduct an independent examination. Mr. Wallace responded negatively. Mayor Venis questioned the time frame language. Mr. Wallace made an explanation to Mayor Venis about this issue and it was decided to discuss it further at the next Town Council meeting.

Mayor Venis closed the public comments.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve Item 10.2. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 10.3 **FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-102 **REVISING THE COMMUNITY SERVICES DEPARTMENT FEE SCHEDULE FOR PRE-SCHOOL CLASS IN-HOUSE, PRE-SCHOOL CAMP, HOLIDAY/DAY OFF CAMP (IN-HOUSE) ONE DAY, AND TWO WEEK MINI-CAMP IN-HOUSE PROGRAMS AND ESTABLISHING FEES FOR DAVIE SUMMER DAZE PROGRAM, INDIAN RIDGE SUMMER TEEN PROGRAM AND JUNIOR LIFEGUARD SUMMER PROGRAM FOR THE COMMUNITY SERVICES DEPARTMENT**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - out of room; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Quasi Judicial Matters

- 10.4 **REZONING - ZB 9-1-98, REG-A Corporation/Harber, southeast corner of Griffin Road and SW 78 Avenue (from B-1 to B-2) (tabled from February 3, 1999) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the "zoning in progress"**

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, advised that because of her experience, education and certification, she was qualified as a witness on behalf of the Town. She read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Mr. Webber indicated that the petitioner was not present and Council could table the item to the next meeting.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to the next meeting (April 7, 1999). In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.5 **SPECIAL PERMIT - SE 1-1-99, Digital Comm Link, Inc./Furia, 10450 State Road 84 (CC) (to increase the diameter of a satellite dish in the "CC" District from 12 feet to 59 feet, pursuant to Town Code, Section 12-34(G)(2)) (tabled from March 3, 1999) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial**

Mr. Webber indicated that this request was a continuation from a previous Council meeting.

Ms. Easterling displayed photographs of the site. Mayor Venis asked whether there was a plan of what the area would look like with the larger dish. Ms. Easterling stated that the petitioner had not prepared such a plan. Councilmember Cox added that she felt Mayor Venis had been pretty specific in his request of that type of documentation. Ms. Easterling reported that she had brought an aerial photo to show what was around the area, an approved site plan which showed the eleven potential dishes that would be on the site and their locations, and a

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survey of the site showing the location of the two existing dishes although at the site there were actually three. There was some discussion of what plan Council wanted to see. There was also discussion about the height of the new satellite dish in comparison to the height of a billboard.

Mr. Furia, the petitioner, had displayed photographs of the area. He mentioned that he had taken his photographs from many of the same locations that Ms. Easterling had taken hers. Mr. Furia stated that he had addressed the issues of landscaping at the last meeting but he reiterated that his clients' standards were quite high and he knew the importance of having the company look good. Mr. Webber asked when the photographs were taken. Mr. Furia indicated that he had taken them the previous week. Mr. Furia added that if the problem was visibility for the residents in the area, he would meet with the residents to discuss what type of shielding would be sufficient.

Councilmember Weiner stated that although the satellite dishes were not significantly visible at this point, he indicated a concern that in the future the natural buffer might disappear through construction or development. Mr. Furia stated that the Australian Pines were on his property and that no construction or development would interfere with the trees. Councilmember Cox also expressed concern over the trees and who they belonged to and what might happen to them. There was some discussion about some newly acquired property that Mr. Furia had plans to locate additional dishes and antennas on.

Vice-Mayor Bush asked Mr. Furia if the satellite dish turned or was stationary. Mr. Furia indicated that it turned.

There being no one else to speak on the permit, Attorney Webber closed the hearing.

Mayor Venis asked for any Council discussion.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to table until the next Council meeting [April 7, 1999] with the condition that the petitioner bring back some super-imposed graphics for the Council to look at. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Items to be tabled or previously withdrawn

**10.6 PLANNING AND ZONING BOARD TABLED TO MARCH 24, 1999;
COUNCIL CAN TABLE TO APRIL 7, 1999**

REZONING - ZB 1-1-99, Vietnamese Buddhist Cultural Center of Florida, Inc.,
5000 SW 82 Avenue (from A-1 to CF)

This item was tabled earlier in the meeting.

**10.7 PLANNING AND ZONING BOARD TABLED TO MARCH 24, 1999
AT THE REQUEST OF THE PETITIONER; COUNCIL CAN TABLE
TO APRIL 21, 1999**

REZONING - ZB 1-2-99, Michele Mellgren & Associates, Inc./Forman, 3000 SW
59 Terrace (from from A-3, County to RM-16)

This item was tabled earlier in the meeting.

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**10.8 THIS ITEM WAS WITHDRAWN ON FIRST READING AT THE
MARCH 3, 1999 COUNCIL MEETING**

Ordinance - Second and Final Reading

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-388 OF THE TOWN CODE BY AMENDING SUBSECTION (A)(1) CONCERNING FRONT SETBACKS, SUBSECTION (C) CONCERNING COVERED BOARDWALKS, AND ADDING A NEW SUBSECTION (J) CONCERNING MINIMUM FRONT WALL HEIGHT IN THE WESTERN THEME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was withdrawn at the March 3, 1999 Council meeting.

11. SITE PLANS

11.1 SP 12-6-98, Room to Grow Day Care Center, 2550 Flamingo Road (CF) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; that the roofing be a standing seam metal roof, colors to be submitted at the next meeting; that the colors for the entire building be added to the elevations for town Council for clarification; that the skylight shown in the center of the roof be eliminated, with the upper skylights remaining*

This item was tabled earlier in the meeting.

11.2 SP 12-9-98, Holsum Bread Building, 5725 SW 45 Street (B-2) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; that a change be made in the color scheme as recommended by staff; that the standing seam metal roof be painted blue if available; and that a cap band be added at the top of the parapet*

Jim Griffin, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Cox asked Ms. Easterling if the color scheme had been resolved. Mr. Griffin indicated that the color was going to be a light tan with a darker brown around the trim and the roof might or might not be blue.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve Item 11.2 subject to Planning and Zoning Division recommendations as well as Site Plan Committee recommendations with the understanding that the columns would be brown. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12. OLD BUSINESS

12.1 Placement of Items on Council Agenda (Councilmember Paul)

Councilmember Paul stated that she had requested that the Town Clerk's Office to survey other municipalities to see how the placed items on the agenda. She felt that it was important for Council to discuss placement of agenda items.

Councilmember Cox stated that she felt that if someone had an item that they wanted to bring to Council, they should have that opportunity. She added that there could be an

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unwritten policy or if needed, a written policy. Councilmember Cox added that she felt that if a Councilmember wanted an item discussed, the item should be placed under "New Business" as a discussion item and then get a consensus from Council to agendaize it or not.

Councilmember Weiner asked Town Clerk Reinfeld to clarify whether they were basically abiding by Roberts' Rules. Town Clerk Reinfeld responded in the affirmative.

Mayor Venis stated that it appeared that it appeared that the consensus was that they should keep it the way it was currently being done.

Councilmember Paul stated that as long as everyone had an opportunity to put something on the agenda she was fine with that.

13. NEW BUSINESS

13.1 Suggestions to Honor Mort Meyers

Mr. Rawls indicated stated that Mr. Meyers had been known as "Mr. JCC" and he had also been very active with the Economic Development Council, and the Town's sports programs. He suggested that the facility at the Pine Island Community Center might be named after Mr. Meyers as a way of honoring him. Councilmember Weiner also suggested that renaming the portion of roadway that by the JCC would be another possibility. He added that another suggestion was to encourage the development of a foundation that would do fundraising to create a scholarship that would be in Mr. Meyers' honor. Mayor Venis asked what kind of feedback Councilmember Weiner had gotten from Mr. Meyers' friends and colleagues. He indicated that the family members liked the suggestion of renaming the road after Mr. Meyers.

Councilmember Cox stated that she felt it should be something more visible as opposed to the scholarship fund. She said she would like to have something that would remind the Town of him, such as a park or street. Vice-Mayor Bush remarked that another possibility would be the new park on the eastside. Councilmember Cox suggested naming the community room at the new police station after Mr. Meyers.

Councilmember Weiner stated that his first two suggestions had generated the most interest. He reiterated Councilmember Cox's remarks relating to it being something more visible such as the park or street.

Mayor Venis and Councilmember Paul suggested that Councilmember Weiner meet with family members to get their ideas.

13.2 Police DROP Plan (Mayor Venis)

Mayor Venis stated that this item had to do with a modification to the DROP plan. Councilmember Cox stated that she did not have a problem with the modification but felt that it should be part of the collective bargaining package so that everyone would have the motivation to move forward with the collective bargaining process. She added that she thought the issue had been decided at the last Executive Session. Mayor Venis indicated that he had not been at the previous Executive Session where making it part of the collective bargaining package had been discussed. Councilmember Paul said that she had not thought this issues had ever been in question.

Mayor Venis asked Town Clerk Reinfeld when the next Executive Session would be. Town Clerk Reinfeld responded that the meeting was scheduled for March 22nd.

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13.3 Town Computers (Mayor Venis)

Mayor Venis reported that he and Councilmembers Cox and Bush had attended the League of Cities convention and the push had been for IBM computers. He stated that there was to have been a study on the cost to for the Town convert to an IBM computer system. Mayor Venis indicated that a decision needed to be made before more money was spent on Macintosh computers.

Mr. Wallace stated that the issue had come up a few months ago. He advised that the Town did use an IBM mainframe which was the source of all the data base applications. He went into some detail about the computer system being used presently. Mr. Wallace pledged that his department would deploy whatever technology each department needed in order for them work efficiently. Mayor Venis asked if Mr. Wallace could provide Council a copy of the report he had previously completed. Mr. Wallace responded in the affirmative and added that he would update it with regard to the technology that was in the process of being deployed.

Councilmember Cox mentioned that at the League of Cities convention, it had seemed that there was a lot of software available to be used with IBM compatible computers. She added that what Mr. Wallace seemed to be saying was that that software could be converted to be used with the Macintosh system.

Councilmember Weiner stated that he believed that the Town should have hardware and software that the staff would not be reluctant to use. He indicated that the Town was under-utilizing its system because staff was resisting the use of it.

Mr. Wallace said that he had a survey which indicated that the staff actually did more with their computers than their counterparts in other cities. Mr. Wallace added that he felt training was more of an issue.

Mayor Venis commented that inputting his complaint system would be easier. Mr. Wallace stated that he would deploy that on his computer as early as possible.

Councilmember Cox said that she felt there needed to be some communication to Mr. Wallace from the people who wanted a change as to what change they wanted and why they wanted the change. She added that she did not think change for the sake of change was a good idea. Councilmember Cox added that she thought Mr. Wallace and his department should have the opportunity to address and possibly fix the things that people were complaining about.

Mayor Venis asked Mr. Wallace if he was going to assess what each department needed. Mr. Wallace responded affirmatively.

Councilmember Paul asked how successful the training programs were and questioned if the programs were voluntary or required. She added that she felt that the technology training was vital. Mr. Wallace agreed that training was essential and admitted that his department was terrible at it. He added that although the people in his department knew their jobs well, they did not make good trainers, and that training was best left to educators.

13.4 Guardrail Policy (Councilmember Weiner)

Councilmember Weiner discussed the issue of the guardrail along SW 70 Avenue. He stated that it would be a good idea to get some information from the Police and Fire Departments as to accidents, cars going into the canals, what sort of injuries were sustained, what percentage of fatalities and things of that nature. Councilmember Weiner commented that if it was agreeable to Council, he would like to design a policy with regard to guardrails.

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Councilmember Cox added that in doing research, additional roads needed to be looked at such as, 58th, 76th, and 82nd. She stated that she had the previous Chief of Police investigate the accident records approximately two years ago. Councilmember Cox mentioned that there had been about five incidents of people ending up in the canal and most of those incidents related to people avoiding a dog or driving too fast and losing control. She indicated that in most of the cases, there were no injuries and that most of the time, the people were towed from the canal and then drove home. Councilmember Cox stated that the incident that was brought up at the previous meeting had to do with people drag racing. She went on to say that adding guardrails wherever a canal or a ditch existed would impact the way the Town looked. Councilmember Cox also brought up the fact that often putting up the guardrail went along with the speed limit being raised, which was not what most communities wanted.

Councilmember Weiner stated that the issue of guardrails was not specifically related to the incident mentioned at the previous Council meeting. He mentioned the fact that there were various crosses erected on Orange Drive in memory of someone who died in an accident. Councilmember Weiner admitted that he did not know that these deaths were necessarily related to the canal but stated that the whole issue was a safety issue.

Mayor Venis remarked that there had been an aggressive plan to install guardrails throughout the community. He asked Mr. Rawls if there was already data existing as to why guardrails were installed in certain areas and suggested that information be provided to Councilmember Weiner.

Mayor Venis asked for a motion to add a proclamation regarding Baha'i Day on March 21, 1999) as item 13.5 to the agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to add item 13.5 to the agenda. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Ms. Reinfeld read the proclamation into the record.

Vice-Mayor Bush made a motion, seconded by Councilmember Paul, to approve Item 13.5. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:18 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk